

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN THE MATTER OF:
CYNTHIA MORGAN
DEBTOR.

CASE NO.: 17-45982
CHAPTER: 13
JUDGE: TUCKER

/

OBJECTION TO PROOF OF CLAIM OF MICHIGAN DEPARTMENT OF TREASURY #9

Debtor, by and through Counsel, Frego & Associates, The Bankruptcy Law Office, P.L.C., hereby objects to the proof of claim filed by Michigan Department of Treasury, and states as follows:

1. Debtor filed for Bankruptcy protection on or about April 20, 2017.
2. On or about August 21, 2017, creditor Michigan Department of Treasury filed a Proof of Claim (#9). (hereafter “Proof of Claim”)
3. The Proof of Claim states that \$6,114.80 is owed to the creditor for past due income taxes. Of that amount, \$5,953.08 is listed as priority. The attachment shows that \$5,000.00 is due for the tax year 2016 which is estimated based on information available as the State of Michigan indicated that no tax return was filed.
4. However, debtor did file a 2016 State of Michigan tax return which only showed she had a \$598.00 tax liability. (See Exhibit 6-2016 State of Michigan Tax return, Federal return, and W-2)
5. As a result, the Proof of Claim #9 shall be modified to a total debt of \$1,712.80, which includes a priority claim in the amount of \$1,551.08.

WHEREFORE, Debtor prays this Honorable Court modify the Proof of Claim #9 filed by Michigan Department of Treasury; further Debtor requests the Court order other such relief the Court finds just and proper.

Dated: October 2, 2017

/s/ Jay E. Piggott
Jay E. Piggott (P68091)
Attorney for Debtor
Frego and Associates-The Bankruptcy Law Office, PLC
23843 Joy Road
Dearborn Heights, MI 48127
(313) 724-5088
fregolaw@aol.com

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN THE MATTER OF:
CYNTHIA MORGAN
DEBTOR.

CASE NO.: 17-45982
CHAPTER: 13
JUDGE: TUCKER

/

NOTICE OF OBJECTION TO CLAIM

Debtor has an objection to your claim in this bankruptcy case.

Your rights may be reduced, modified or denied. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to deny or change your claim, then on or before November 9, 2017, you or your attorney must:

1. File with the court a written response to the objection, explaining your position at:¹

United State Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Cynthia Morgan 5966 Edinburgh #104 Canton, MI 48187	James P. Frego 23843 Joy Rd Dearborn Heights, MI 48127	Tammy L. Terry Chapter 13 Trustee 535 Griswold, Suite 2100 Detroit, MI 48226
---	--	---

2. Attend the hearing on the objection, scheduled to be held on November 16, 2017, at 9:00 a.m. (or as soon after as counsel can be heard) in Courtroom 1925, United States Bankruptcy Court, 211 W. Fort St., Detroit, Michigan, unless your attendance is excused by mutual agreement between yourself and the objector's attorney.

If you or your attorney does not take these steps, the Court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.

Dated: October 2, 2017

/s/ Jay E. Piggott
Jay E. Piggott (P68091)
Attorney for Debtor
Frego and Associates-The Bankruptcy Law Office, PLC
23843 Joy Road
Dearborn Heights, MI 48127
(313) 724-5088
fregolaw@aol.com

¹*Response or answer must comply with F.R.Civ. P. 8(b), (c) and (e).*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN THE MATTER OF:
CYNTHIA MORGAN
DEBTOR.

CASE NO.: 17-45982
CHAPTER: 13
JUDGE: TUCKER

**ORDER GRANTING OBJECTION TO PROOF OF CLAIM
OF MICHIGAN DEPARTMENT OF TREASURY, #9**

This matter having come on for hearing before the Court by way of the objection of the debtor to the allowance of the claim of the above referenced creditor, service having been made with a notice of hearing allowing a thirty (30) day notice pursuant to Bankruptcy Rule 3007, a hearing having been held, the court having heard the matter in open court and for the reasons stated on the record:

NOW THEREFORE, IT IS HEREBY ORDERED:

The objection to the Proof of Claim filed by the above-referenced creditor is hereby granted. To the extent that the Chapter 13 Standing Trustee has previously made disbursements to such creditor, the Trustee shall not be obligated to recoup same.

IT IS FURTHER ORDERED as follows: [Only provisions checked below apply]

1. The Proof of Claim filed by Michigan Department of Treasury (Docket #9) is modified to a total debt of \$1,712.80, which includes a priority claim in the amount of \$1,551.08.

UNITED STATES BANKRUPTCY JUDGE

Exhibit A

"PROPOSED ORDER"